NORTHERN DISTRICT OF TEXAS IN THE UNITED STATES DISTRICT COURT FILED FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION OCT | 5 2019 NOVA CASUALTY COMPANY, LTD., CLERK, U.S. DISTRICT COURT Plaintiff and Counter-Defendant, Deputy v. CIVIL ACTION NO. 2:17-CV-122-Z-BR CATTLE TOWN FEEDERS, LTD., Defendant, Counter-Plaintiff, and Third-Party Plaintiff, v. ARGONAUT INSURANCE COMPANY,

U.S. DISTRICT COURT

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

Third-Party Defendant.

On March 29, 2019, the United States Magistrate Judge entered findings and conclusions on Cattle Town Feeders, Ltd.'s ("CTF") Motion to Dismiss (ECF No. 56). The Magistrate Judge RECOMMENDS that CTF's motion (ECF No. 56) be DENIED. CTF filed objections to the findings, conclusions, and recommendation on April 12, 2019 and April 19, 2019 (ECF Nos. 63 & 64), which Nova Casualty Company, Ltd. ("Nova") responded to on April 26, 2019 (ECF No. 65). After making an independent review of the pleadings, files, and records in this case, the findings, conclusions, and recommendation of the Magistrate Judge, CTF's objections, and Nova's response to CTF's objections, the Court concludes that the findings and conclusions are correct.1 This Court has subject matter jurisdiction.

¹ The Court takes judicial notice that the Parties agree on the relevant Nova Policy Endorsement applicable to this action in their post-FCR filings (ECF No. 64 at 4; ECF No. 65 at 3). Specifically, the Endorsement with Texas Changes, AAG00050311-which includes changes to the main policy document regarding Legal Action and Appraisal—contains the relevant policy language. This clarification does not affect the Court's decision with respect to CTF's Motion to Dismiss (ECF No. 56).

It is therefore ORDERED that the findings, conclusions, and recommendation of the Magistrate Judge are ADOPTED. CTF's motion (ECF No. 56) is DENIED.

SO ORDERED,

October_/5, 2019.

ATTHEW J. KACSMARYK

UNITED STATES DISTRICT JUDGE